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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,936	12/08/2005	Mache Ranginui Austin	CULLP0188US	8414
23908 7590 02/18/2010 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115				
EXAMINER				
PATEL, TAJASH D				
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
02/18/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,936

Applicant(s)

AUSTIN ET AL.

Examiner

Tejash D. Patel

Art Unit

3765

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality mailed on 8/4/09 of that action is withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele et al. (US 5,146,625) in view of Doherty (US 6,185,742). Steele et al. (hereinafter Steele) discloses a unitary clothing article/vest (2) including at least one rear portion/panel (34) being separate from but attachable to left and right front side portions of at least one front portion/panel (4) by a strap (38) having at least one attachment means of hook and loop material, col. 3, lines 10-12 and as shown in figure 1. Additionally, a belt (40) is attached to a lower portion of the clothing article as shown in figures 2. Further, the vest having the left and right front portions are connected by releasable attachment (30a, 30b) about a shoulder and a waist portion when secured to the rear portion as shown in figure 1. Also, a pocket includes an opening (20) with at least one attachment device (22) for the releasable attachment of equipment (50) located on at least one of the portions as shown in figure 2. However, Steele does not show each of the shoulders being releasably attached.

Doherty discloses a vest with front and rear panels that are releasably attached about each of the lateral sides and shoulders, respectively by hook and loop material (19) as shown in figure 1. Further, a pocket includes equipment (18) therein as shown in figure 2.

It would have been obvious to one skilled in the art at the time the invention was made to provide each of the front and rear portions of Steele with releasable fastener about the shoulders as taught by Doherty so that the device can easily be taken off or adjustably sized when donned about the body while a load from the equipment carried therein is uniformly carried about the shoulders.

With regard to claim 2, it is obvious that the vest of Steele when viewed with Doherty is capable of being used for mining or depending on the end use thereof.

3. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele in view of Doherty as applied to claim 6 above in view of Puco et al. (US 5,909,802). Steele when viewed with Doherty discloses the invention as set forth above except for showing a harness associated with a lumbar support belt and having a hydration system.

Puco et al. (hereinafter Puco) discloses a vest (10) including a harness (48) associated with a lumbar support belt (50) that includes an attachment buckle means and has pockets (100) as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to provide the vest of Steele in view of Doherty with a harness associated with a lumbar support belt as taught by Pucio so that weight carried by the vest is uniformly distributed or depending on the end use thereof.

Response to Amendment

4. The reply filed on January 4, 2010 has been considered. In view of such, this office action is being made new-non final base on present application having international PCT priority of 7/30/03.

Allowable Subject Matter

5. Claims 4-5 and 11-12 are allowable because the prior art does not teach or suggest the recitation therein including a vest having an attachment device with a angled spring plate which is removable from a bore of a locking portion attached to the vest.

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The examiner's supervisor can be reached at (571) 272-4996. The fax phone number for this group is (571) 273-8300.

February 11, 2010

/Tejash Patel/
Primary Examiner